

Senate File 2177 - Enrolled

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SENATE FILE 2177

AN ACT

RELATING TO HEALTH-RELATED ACTIVITIES AND REGULATION BY THE
DEPARTMENT OF PUBLIC HEALTH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I GENERAL PROVISIONS

Section 1. Section 135.11, subsection 6, Code Supplement
2007, is amended by striking the subsection.

Sec. 2. Section 135.11, subsection 13, Code Supplement
2007, is amended to read as follows:

~~13. Establish and maintain such divisions in the
department as are necessary for the proper enforcement of the
laws administered by it, including a division of contagious
and infectious diseases, a division of venereal diseases, a
division of housing, a division of sanitary engineering, and a
division of vital statistics, but the various services of the
department shall be so consolidated as to eliminate
unnecessary personnel and make possible the carrying on of the
functions of the department under the most economical methods
the department.~~

Sec. 3. Section 135.22B, subsection 6, paragraph b, Code
Supplement 2007, is amended to read as follows:

~~b. The individual has a diagnosed diagnosis of brain
injury as defined in section 135.22 that meets the diagnosis
eligibility criteria for the brain injury services waiver.~~

Sec. 4. Section 135.37, Code 2007, is amended by adding
the following new subsection:

NEW SUBSECTION. 6. As necessary to avoid duplication and
promote coordination of public health inspection and
enforcement activities, the department may enter into
agreements with local boards of health to provide for
inspection and enforcement of tattooing establishments in
accordance with the rules and criteria implemented under this
section.

Sec. 5. Section 135I.2, Code 2007, is amended to read as
follows:

135I.2 APPLICABILITY.

This chapter applies to all swimming pools and spas owned
or operated by local or state government, or commercial
interests or private entities including, but not limited to,
facilities operated by cities, counties, public or private
school corporations, hotels, motels, camps, apartments,
condominiums, and health or country clubs. This chapter does
not apply to facilities intended for single family use or to a
swimming pool or spa operated by a homeowners' association
representing seventy-two or fewer dwelling units if the
association's bylaws, which also apply to a rental agreement
relative to any of the dwelling units, include an exemption
from the requirements of this chapter, provide for inspection
of the swimming pool or spa by an entity other than the
department or local board of health, and assume any liability
associated with operation of the swimming pool or spa. This
chapter does not apply to a swimming pool or spa used
exclusively for therapy under the direct supervision of
qualified medical personnel. To avoid duplication and promote
coordination of inspection activities, the department may
enter into written agreements pursuant to chapter 28E with a
local board of health to provide for inspection and
enforcement in accordance with this chapter.

Sec. 6. Section 135M.4, subsection 1, paragraph b, Code
Supplement 2007, is amended to read as follows:

~~b. The prescription drug bears an expiration date that is
more than six months after the date the prescription drug was
donated. However, a donated prescription drug bearing an
expiration date that is six months or less after the date the
prescription drug was donated may be accepted and distributed
if the drug is in high demand and can be dispensed for use
prior to the drug's expiration date.~~

Sec. 7. Section 136C.9, subsection 1, paragraph b, Code

3 4 2007, is amended to read as follows:
3 5 b. Specific licenses issued upon application to a person
3 6 named in the license to use, manufacture, produce, transfer,
3 7 receive, acquire, or possess quantities of or equipment using
3 8 radioactive material. Applicants requesting radioactive
3 9 materials in quantities of concern, as identified by the
3 10 United States nuclear regulatory commission, shall submit
3 11 fingerprints to the United States nuclear regulatory
3 12 commission for a background check of all individuals
3 13 authorized for unescorted access to such material.
3 14 Sec. 8. Section 136C.15, subsection 2, paragraph a, Code
3 15 2007, is amended to read as follows:
3 16 a. The radiation machine meets the criteria for ~~the~~
3 17 ~~American college of radiology~~ a mammography accreditation
3 18 program approved by the United States food and drug
3 19 administration. The department shall make copies of those
3 20 criteria available to the public and may by rule adopt
3 21 modified criteria. The department may accept an evaluation
3 22 report issued by ~~the American college of radiology~~ such an
3 23 approved accreditation program as evidence that a radiation
3 24 machine meets those criteria. If at any time the department
3 25 determines that it will not accept any evaluation reports
3 26 issued by ~~the American college of radiology~~ such an approved
3 27 accreditation program as evidence that a radiation machine
3 28 meets those criteria, the department shall promptly notify
3 29 each person who has registered a radiation machine under this
3 30 paragraph.
3 31 Sec. 9. Section 136C.15, subsections 4, 5, 6, and 10, Code
3 32 2007, are amended to read as follows:
3 33 4. To obtain authorization from the department to use a
3 34 radiation machine for mammography, the person who owns or
3 35 leases the radiation machine or an authorized agent of the
4 1 person shall apply to the department for mammography
4 2 authorization on an application form provided by the
4 3 department and shall provide all of the information required
4 4 by the department as specified on the application form. A
4 5 person who owns or leases more than one radiation machine used
4 6 for mammography shall obtain authorization for each radiation
4 7 machine. The department shall process and respond to an
4 8 application within thirty days after the date of receipt of
4 9 the application. Upon determining to grant mammography
4 10 authorization for a radiation machine, the department shall
4 11 issue a certificate of registration specifying ~~the~~ mammography
4 12 authorization ~~for each authorized radiation machine.~~ A
4 13 mammography authorization is effective for three years.
4 14 5. ~~No later than sixty days after initial mammography~~
4 15 ~~authorization of a radiation machine under this section, the~~
4 16 ~~department shall inspect the radiation machine. After that~~
4 17 ~~initial inspection, the~~ The department shall annually inspect
4 18 ~~the each authorized~~ radiation machine and may inspect the
4 19 radiation machine more frequently. The department shall make
4 20 reasonable efforts to coordinate the inspections under this
4 21 section with the department's other inspections of the
4 22 facility in which the radiation machine is located.
4 23 6. After each satisfactory inspection by the department,
4 24 the department shall issue a ~~certificate of radiation machine~~
4 25 ~~written proof of~~ inspection or a similar document identifying
4 26 the facility and radiation machine inspected and providing a
4 27 record of the date the radiation machine was inspected. ~~The~~
4 28 ~~facility shall post the certificate or other document near the~~
4 29 ~~inspected radiation machine.~~
4 30 10. If the department withdraws the mammography
4 31 authorization of a radiation machine, the radiation machine
4 32 shall not be used for mammography. An application for
4 33 reinstatement of a mammography authorization shall be filed
4 34 and processed in the same manner as an application for
4 35 mammography authorization under subsection 4, except that the
5 1 department shall not issue a reinstated certificate of
5 2 ~~mammography~~ registration specifying the mammography
5 3 authorization until the department inspects the radiation
5 4 machine and determines that it meets the standards set forth
5 5 in subsection 2. The department shall conduct an inspection
5 6 required under this subsection no later than sixty days after
5 7 receiving a proper application for reinstatement of a
5 8 mammography authorization.
5 9 Sec. 10. Section 136D.3, Code 2007, is amended to read as
5 10 follows:
5 11 136D.3 APPLICATION OF CHAPTER.
5 12 1. This chapter does not apply to a phototherapy device
5 13 used by or under the supervision of a licensed physician
5 14 trained in the use of phototherapy devices. A tanning device

5 15 used by a tanning facility must comply with all applicable
5 16 federal laws and regulations.

5 17 2. This chapter shall not supersede or duplicate the
5 18 authority and programs of any other agency of the state or the
5 19 United States. To avoid duplication and promote coordination
5 20 of radiation protection activities, the department may enter
5 21 into written agreements pursuant to chapter 28E with other
5 22 state or federal agencies, with local boards of public health,
5 23 or with private organizations or individuals, to administer
5 24 this chapter.

5 25 Sec. 11. Section 139A.35, Code 2007, is amended to read as
5 26 follows:

5 27 139A.35 MINORS.

5 28 A minor ~~who seeks diagnosis or treatment for a sexually~~
5 29 ~~transmitted disease or infection~~ shall have the legal capacity
5 30 to act and give consent to provision of medical care and
5 31 ~~service for the or services to the minor for the prevention,~~
5 32 ~~diagnosis, or treatment of a sexually transmitted disease or~~
5 33 ~~infection by a hospital, clinic, or health care provider.~~
5 34 Such medical ~~diagnosis and treatment care or services~~ shall be
5 35 provided by or under the supervision of a physician licensed
6 1 to practice medicine and surgery, osteopathy, or osteopathic
6 2 medicine and surgery, a physician assistant, or an advanced
6 3 registered nurse practitioner. Consent shall not be subject
6 4 to later disaffirmance by reason of such minority. The
6 5 consent of another person, including but not limited to the
6 6 consent of a spouse, parent, custodian, or guardian, shall not
6 7 be necessary.

6 8 Sec. 12. NEW SECTION. 139A.41 CHLAMYDIA AND GONORRHEA
6 9 TREATMENT.

6 10 Notwithstanding any other provision of law to the contrary,
6 11 a physician, physician assistant, or advanced registered nurse
6 12 practitioner who diagnoses a sexually transmitted chlamydia or
6 13 gonorrhea infection in an individual patient may prescribe,
6 14 dispense, furnish, or otherwise provide prescription oral
6 15 antibiotic drugs to that patient's sexual partner or partners
6 16 without examination of that patient's partner or partners. If
6 17 the infected individual patient is unwilling or unable to
6 18 deliver such prescription drugs to a sexual partner or
6 19 partners, a physician, physician assistant, or advanced
6 20 registered nurse practitioner may dispense, furnish, or
6 21 otherwise provide the prescription drugs to the department or
6 22 local disease prevention investigation staff for delivery to
6 23 the partner or partners.

6 24 Sec. 13. Section 144.28, subsection 1, Code Supplement
6 25 2007, is amended to read as follows:

6 26 1. a. ~~The For the purposes of this section, "nonnatural~~
6 27 ~~cause of death" means the death is a direct or indirect result~~
6 28 ~~of physical, chemical, thermal, or electrical trauma, or drug~~
6 29 ~~or alcohol intoxication or other poisoning.~~

6 30 b. ~~Unless there is a nonnatural cause of death, the~~
6 31 medical certification shall be completed and signed by the
6 32 physician in charge of the patient's care for the illness or
6 33 condition which resulted in death within seventy-two hours
6 34 after receipt of the death certificate from the funeral
6 35 director or individual who initially assumes custody of the
7 1 body, ~~except when inquiry is required by.~~

7 2 c. ~~If there is a nonnatural cause of death, the county or~~
7 3 ~~state medical examiner shall be notified and shall conduct an~~
7 4 ~~inquiry.~~

7 5 d. ~~If the decedent was an infant or child and the cause of~~
7 6 ~~death is not known, a medical examiner's inquiry shall be~~
7 7 ~~conducted and an autopsy performed as necessary to exclude a~~
7 8 ~~nonnatural cause of death.~~

7 9 e. ~~If upon inquiry into the a death, the county or state~~
7 10 medical examiner determines that a preexisting natural disease
7 11 or condition was the likely cause of death and that the death
7 12 does not affect the public interest as described in section
7 13 331.802, subsection 3, the ~~county~~ medical examiner may elect
7 14 to defer to the physician in charge of the patient's
7 15 preexisting condition the certification of the cause of death.

7 16 f. ~~When an inquiry is required by the county or state~~
7 17 medical examiner, the medical examiner shall investigate the
7 18 cause and manner of death and shall complete and sign the
7 19 medical certification within seventy-two hours after
7 20 determination of the cause and manner of death.

7 21 DIVISION II

7 22 ANIMALS FOR SCIENTIFIC RESEARCH CHAPTER REPEAL

7 23 Sec. 14. Section 135.1, unnumbered paragraph 1, Code 2007,
7 24 is amended to read as follows:

7 25 For the purposes of chapter 155 and Title IV, subtitle 2,

7 26 excluding chapters 142B, ~~145B~~, and 146, unless otherwise
7 27 defined:
7 28 Sec. 15. Section 135.11, subsection 14, Code Supplement
7 29 2007, is amended to read as follows:
7 30 14. Establish, publish, and enforce rules not inconsistent
7 31 with law for the enforcement of the provisions of chapters 125
7 32 and 155, and Title IV, subtitle 2, excluding chapters 142B,
7 33 ~~145B~~, and 146 and for the enforcement of the various laws, the
7 34 administration and supervision of which are imposed upon the
7 35 department.
8 1 Sec. 16. Section 162.20, subsection 5, paragraph c, Code
8 2 2007, is amended to read as follows:
8 3 c. The transfer of a dog or cat to ~~an institution as~~
8 4 ~~defined in section 145B.1~~, a research facility as defined in
8 5 section 162.2, or a person licensed by the United States
8 6 department of agriculture as a class B dealer pursuant to 9
8 7 C.F.R. subchapter A, part 2. However, a class B dealer who
8 8 receives an unsterilized dog or cat from a pound or animal
8 9 shelter shall either sterilize the dog or cat or transfer the
8 10 unsterilized dog or cat to ~~an institution or a~~ research
8 11 facility provided in this paragraph. The class B dealer shall
8 12 not transfer a dog to ~~an institution or a~~ research facility,
8 13 if the dog is a greyhound registered with the national
8 14 greyhound association and the dog raced at a track associated
8 15 with pari-mutuel racing, unless the class B dealer receives
8 16 written approval of the transfer from a person who owned an
8 17 interest in the dog while the dog was racing.
8 18 Sec. 17. Section 717.1A, subsection 7, Code 2007, is
8 19 amended to read as follows:
8 20 7. ~~An institution, as defined in section 145B.1, or a~~ A
8 21 research facility, as defined in section 162.2, provided that
8 22 the ~~institution or~~ research facility performs functions within
8 23 the scope of accepted practices and disciplines associated
8 24 with the ~~institution or~~ research facility.
8 25 Sec. 18. Section 717.2, subsection 3, Code 2007, is
8 26 amended to read as follows:
8 27 3. This section does not apply to ~~an institution, as~~
8 28 ~~defined in section 145B.1, or a~~ research facility, as defined
8 29 in section 162.2, provided that the ~~institution or~~ research
8 30 facility performs functions within the scope of accepted
8 31 practices and disciplines associated with the ~~institution or~~
8 32 research facility.
8 33 Sec. 19. Section 717A.1, subsection 4, paragraph b, Code
8 34 2007, is amended to read as follows:
8 35 b. A location where an animal is maintained for
9 1 educational or scientific purposes, including ~~an institution~~
9 2 ~~as defined in section 145B.1~~, a research facility as defined
9 3 in section 162.2, an exhibition, or a vehicle used to
9 4 transport the animal.
9 5 Sec. 20. Section 717B.2, subsection 11, Code 2007, is
9 6 amended to read as follows:
9 7 11. ~~An institution, as defined in section 145B.1, or a~~ A
9 8 research facility, as defined in section 162.2, provided that
9 9 the ~~institution or~~ research facility performs functions within
9 10 the scope of accepted practices and disciplines associated
9 11 with the ~~institution or~~ research facility.
9 12 Sec. 21. Section 717B.3, subsection 2, Code 2007, is
9 13 amended to read as follows:
9 14 2. This section does not apply to ~~an institution, as~~
9 15 ~~defined in section 145B.1, or a~~ research facility, as defined
9 16 in section 162.2, provided that the ~~institution or~~ research
9 17 facility performs functions within the scope of accepted
9 18 practices and disciplines associated with the ~~institution or~~
9 19 research facility.
9 20 Sec. 22. Section 717B.3A, subsection 2, paragraph k, Code
9 21 2007, is amended to read as follows:
9 22 k. ~~An institution, as defined in section 145B.1, or a~~ A
9 23 research facility, as defined in section 162.2, provided that
9 24 the ~~institution or~~ research facility performs functions within
9 25 the scope of accepted practices and disciplines associated
9 26 with the ~~institution or~~ research facility.
9 27 Sec. 23. Section 717D.3, subsection 2, paragraph k, Code
9 28 2007, is amended to read as follows:
9 29 k. ~~An institution, as defined in section 145B.1, or a~~ A
9 30 research facility, as defined in section 162.2, provided that
9 31 the ~~institution or~~ research facility performs functions within
9 32 the scope of accepted practices and disciplines associated
9 33 with the ~~institution or~~ research facility.
9 34 Sec. 24. Chapter 145B, Code 2007, is repealed.

10 2 CHILDREN CHAPTER REPEAL
10 3 Sec. 25. Chapter 235C, Code 2007, is repealed.
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10 7 _____
10 8 JOHN P. KIBBIE
10 9 President of the Senate

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10 12 _____
10 13 PATRICK J. MURPHY
10 14 Speaker of the House

10 15 I hereby certify that this bill originated in the Senate and
10 16 is known as Senate File 2177, Eighty-second General Assembly.
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10 20 _____
10 21 MICHAEL E. MARSHALL
10 22 Secretary of the Senate

10 23 Approved _____, 2008
10 24

10 25 _____
10 26 CHESTER J. CULVER
10 27 Governor